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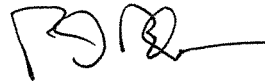
United States v. American Express, et al.
No. 10-cv-04496-NGG-RER (E.D.N.Y.)

Dear Judge Garaufis:

We write on behalf of American Express to correct the record on one issue raised in the letter submitted to the Court last night by Ethan Glass, Esq., on behalf of the Government Plaintiffs. (Dkt. No. 363.)

In that letter, Mr. Glass claims that American Express has refused to meet & confer on evidentiary objections and proposed stipulations of fact. That is wrong. The deadline for the parties to exchange evidentiary objections is not until Friday. The deadline for the parties to exchange redlines to proposed fact stipulations is not until May 9th.¹ The pre-trial order that American Express drafted and the Court entered specifically provides a timeframe for the parties to meet & confer on those issues during the month of May. Indeed, we told the Government that we expected to meet & confer on evidentiary issues during those May sessions on at least one occasion. (Ex. A at 2.) We have every intention of trying to resolve evidentiary issues and enter into reasonable factual stipulations to the extent possible, and we have never stated otherwise.

Respectfully,



Peter T. Barbur

¹ Notably, the Government did not include the stipulation referenced in Mr. Glass's letter—nor any other stipulation geared towards resolving admissibility disputes—in its proposed stipulations of fact exchanged last week. That stipulation was raised in the context of the Government's complaint about the length of American Express's exhibit list—a dispute that has been resolved—and American Express told the Government at least twice that the proposed stipulation was one-sided and misleading.

Hon. Nicholas Garaufis
U.S. District Court
Eastern District of New York
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Brooklyn, NY 11201

Copy to:

All Counsel of Record

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